



**Town of Carrboro**

Town Hall  
301 W. Main St.  
Carrboro, NC 27510

**Meeting Minutes**

**Board of Aldermen**

**Tuesday, January 27, 2015**

**7:30 PM**

**Board Chambers - Room 110**

**Present:** Mayor Lydia Lavelle, Alderman Damon Seils, Alderman Michelle Johnson, Alderman Jacquelyn Gist, Alderman Randee Haven-O'Donnell, Alderman Bethany Chaney and Alderman Sammy Slade

**Also Present:** David Andrews, Town Manager, Cathy Wilson, Town Clerk, Nick Herman, Town Attorney

**PASSING OF FORMER EMPLOYEE –ELDEN WHITE**

Mayor Lavelle noted that Bishop Elden White passed away last week and shared the Board's condolences with the family. Bishop White was a former Police Officer in Carrboro and the husband of the Town's former HR Director, Desiree White.

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**APPROVAL OF PREVIOUS MEETING MINUTES**

A MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN CHANEY, THAT THE MINUTES OF JANUARY 13, 2015 BE APPROVED, AS AMENDED. VOTE: AFFIRMATIVE ALL APPROVED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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**RESOLUTION IN SUPPORT THE COMMUNITY HOME TRUST'S SALE OF SUBSIDIZED HOMES TO HOUSEHOLDS EARNING 80 TO 115 PERCENT OF AREA MEDIAN INCOME**

The purpose of this item was for the Board of Aldermen to consider a draft resolution that, if adopted, expresses support to HOME consortium partners for the sale of subsidized homes to households earning more between 80 and 115 percent of area median income.

**MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN CHANEY TO APPROVE THE RESOLUTION BELOW:**

A RESOLUTION IN SUPPORT OF THE COMMUNITY HOME TRUST'S USE OF SUBSIDY  
MONIES TO FURTHER ADVANCE AFFORDABLE HOUSING OPPORTUNITIES

WHEREAS, the Town of Carrboro Board of Aldermen adopted the *Carrboro Vision2020* document, in 2000, which outlines a series of policies designed to provide housing options for a diverse population; and

WHEREAS, the Town of Carrboro Board of Aldermen, with the addition of Carrboro Vision2020 policy 6.18 on February 24, 2004, established a goal that fifteen percent of the housing units within all new residential development consist of affordable units; and

WHEREAS, the Community Home Trust (CHT) has partnered with the Town of Carrboro to help meet this goal and to provide diverse housing options for local residents; and

WHEREAS, in response to a request from CHT, the Town amended the LUO in March of 2012 to allow up to twenty-five percent of affordable units, as defined in Section 15-184.1 of the LUO, be sold to buyers earning up to 115 percent of the Area Median Income (AMI) for the Metropolitan Statistical Area in which Carrboro is located; and

WHEREAS, the CHT has requested that the Board of Aldermen, as a member of the HOME Consortium, allow CHT to sell subsidized homes to households between 80 and 115 percent of AMI when permitted by the U.S. Department of Housing and Urban Development (HUD).

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen supports the Community Home Trust's request to sell subsidized homes to households between 80 and 115 percent of AMI when permitted by the U.S. Department of Housing and Urban Development (HUD).

This the 27<sup>th</sup> day of January, 2015

**The motion carried by the following vote:**

**Aye:** Mayor Lavelle, Alderman Haven-O'Donnell, Alderman Chaney, Alderman Seils, Alderman Gist, Alderman Slade and Alderman Johnson

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**AVAILABLE RESOURCES FOR IMMIGRANT MINORS**

The purpose of this item was to report back to the Board on the resources available to support efforts to welcome and provide services to minors in our community, as requested in the Resolution Supporting and Welcoming Unaccompanied Immigrant Minors Fleeing Violence in their Home Countries.

Alderman Slade asked for the Health Resources Guide be translated to Spanish and placed on the Town's website.

Alderman Seils asked that it also be translated to Karen.

**A motion was made by Alderman Slade, seconded by Alderman Chaney, that this report be accepted.**

This the 27<sup>th</sup> day of January, 2015

**The motion carried by the following vote:**

**Aye:** Mayor Lavelle, Alderman Haven-O'Donnell, Alderman Chaney, Alderman Seils, Alderman Gist, Alderman Slade and Alderman Johnson

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**EMERGENCY HOME REPAIR FUNDING APPLICATION**

The purpose of this item was for the Board to consider approving an application from the Marian Cheek Jackson Center, on behalf of Carrboro resident Lillie Brown, for a grant from the Affordable Housing Special Revenue Fund for emergency electrical repairs.

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN CHANEY TO APPROVE OF THE GRANT APPLICATION TO THE MARIAN CHEEK JACKSON CENTER ON BEHALF OF CARRBORO RESIDENT LILIE BROWN FOR EMERGENCY HOME REPAIRS IN THE AMOUNT OF UP TO \$3,000 AND TO AUTHORIZE THE TOWN MANAGER TO DEVELOP AND EXECUTE AN AGREEMENT NECESSARY TO CARRY OUT THE BOARD'S ACTION.  
VOTE: AFFIRMATIVE

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**PUBLIC HEARING ON LAND USE ORDINANCE AMENDMENTS RELATING TO AFFORDABLE HOUSING**

The purpose of this item was for the Board of Aldermen to consider amending the Land Use Ordinance relating to affordable housing. A draft ordinance was prepared. The Board must receive public comments before taking action on the draft ordinance.

Tina Moon, the Town's Planning Administrator, made the staff presentation.

Alderman Seils asked for future affordable housing items include reference to how they align with the Town's adopted Affordable Housing Goals. He asked that that information be included in the consistency resolution if adopted.

Mayor Lavelle asked if this would signal the end of the 99 year land lease. Robert Dowling, Executive Director of the Community Home Trust, answered that the homes are still being sold with the land with a 99 year lease and the lender has the fee simple option as collateral.

Alderman Slade and Mr. Dowling discussed how the globalization of banking and Dodd Frank legislation has affected lending.

There were no comments provided from the public.

The public hearing was closed.

Alderman Chaney asked that the Town send a letter to Melvin Watt, the director of the Federal Housing Finance Agency, explaining how federal rules and regulations have affected local land trusts.

**A motion was made by Alderman Seils, seconded by Alderman Johnson, that this resolution be approved.**

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF ALDERMEN'S REASONS FOR ADOPTING AN AMENDMENT TO THE TEXT OF THE CARRBORO LAND USE ORDINANCE

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO PROVIDE THAT LOANS MADE TO FAMILIES WHO PURCHASE AFFORDABLE HOMES MAY BE SECURED BY DEEDS OF TRUST THAT ALLOW THE TRUSTEE TO CONVEY FEE SIMPLE TITLE TO THE PROPERTY AT A FORECLOSURE SALE FREE AND CLEAR OF THE LIMITATIONS THAT QUALIFY SUCH HOMES AS AFFORDABLE UNDER THE LAND USE ORDINANCE.

NOW, THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above described amendment is consistent with Carrboro Vision 2020 regarding efforts to provide housing for a diverse population, particularly the following sections:

6.12 The variety of strategies to be considered should include the investigation of alternative public and private funding for construction and renovation of low and moderate income housing. A low interest load pool for individuals and nonprofits that wish to buy and rehabilitate housing is desired.

6.17 The town should interact with non-profit groups that work to provide affordable housing, including but not limited to the Land Trust, Orange Community Corporation, Empowerment Inc., and Habitat for Humanity.

Section 2. The Board concludes that its adoption of the above described amendment is reasonable and consistent with the public health, safety and welfare because the Town seeks to remain consistent with its adopted plans and policies including efforts to provide housing for all of its citizens.

Section 3. The Board concludes that adoption of the above described amendment is consistent with the Board of Aldermen's adopted Affordable Housing Goals.

Section 4. This resolution becomes effective upon adoption.

This the 27<sup>th</sup> day of January, 2015

**The motion carried by the following vote:**

**Aye:** Mayor Lavelle, Alderman Haven-O'Donnell, Alderman Chaney, Alderman Seils, Alderman Gist, Alderman Slade and Alderman Johnson

**A motion was made by Alderman Chaney, seconded by Alderman Haven-O'Donnell, that this ordinance be approved.**

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO PROVIDE THAT LOANS MADE TO FAMILIES WHO PURCHASE AFFORDABLE HOMES MAY BE SECURED BY DEEDS OF TRUST THAT ALLOW THE TRUSTEE TO CONVEY FEE SIMPLE TITLE TO THE PROPERTY AT A FORECLOSURE SALE FREE AND CLEAR OF THE LIMITATIONS THAT QUALIFY SUCH HOMES AS AFFORDABLE UNDER THE LAND USE ORDINANCE

Ordinance No.5-2014/15

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 15-182.4 of the Carrboro Land Use Ordinance is revised as follows:

**Section 15-182.4 Residential Density Bonuses for Affordable Housing**

(a) The Board of Aldermen has established as a policy goal that at least fifteen percent of the housing units within all new residential developments should consist of affordable housing units as described in this section. The remaining provisions of this section are designed to provide incentives to encourage developers to comply with this policy goal either by providing affordable housing units or lots or, under the circumstances set forth in subsection (j), by making payments in lieu of providing such affordable housing units.

(b) For purposes of this section, an affordable housing unit means a dwelling unit that satisfies the requirements of subsections (c) through (f).

(c) The appropriately-sized affordable housing unit must be offered for sale or rent at a price that does not exceed an amount that can be afforded by a family whose annual gross income equals 80 percent of the median gross annual family income, as most recently established by the United States Department of Housing and Urban Development, for a family of a specific size within the Metropolitan Statistical Area where the Town of Carrboro is located; provided that a for-sale housing unit that is offered for sale at a price that exceeds the foregoing limit but does not exceed an amount that can be afforded by a family whose annual gross income equals 115% of the median gross annual family income shall also be regarded as affordable so long as (i) such unit otherwise qualifies as an affordable housing unit under this section, and (ii) units that qualify as affordable under this exception do not constitute more than 25% of the affordable housing units provided within any development

(d) It is conclusively presumed that a family can afford to spend 30% of its annual gross income on housing costs. In the case of housing units that are for sale, the term "housing costs" shall mean the costs of principal and interest on any mortgage, real property taxes, insurance, fees paid to a property owners association, and any ground lease or maintenance fees. In the case of rental housing units, the term "housing costs" shall mean the cost of rent plus utilities. In making the calculation called for in this subsection, it shall be conclusively presumed that a unit is appropriately sized when an efficiency or one bedroom housing unit serves a family of one, that a two bedroom housing unit serves a family of two; that a three bedroom housing unit serves a family of three, and that a housing unit containing four or more bedrooms serves a family of four.

(e) The developer shall also establish or provide for arrangements to ensure that each such affordable unit is made available for sale or rent only to a family whose annual gross income does not exceed (i) 80% of the median gross annual income of a family of the same size within the Metropolitan Statistical Area where the town of Carrboro is located, or (ii) 115% of the median gross annual income of a family of the same size within the Metropolitan Statistical Area where the town of Carrboro is located if the unit is one that qualifies as affordable under the 115% exception provided for in subsection (c).

(f) The developer of the affordable housing unit must establish or provide for arrangements to ensure that, for a period of not less than 99 years from the date of initial occupancy of the unit, such

unit shall remain affordable (as provided in subsection (c)) and shall be offered for sale or rent only to families that satisfy the income criteria set forth in subsection (e). Such arrangements may include but shall not be limited to a ground lease, a deed restriction, or other covenant running with the unit. The documents establishing such arrangements shall be reviewed and approved by the Town of Carrboro prior to final plat approval if the units are located on subdivided lots or prior to the issuance of a certificate of occupancy if the units are not located on unsubdivided lots. The provisions of this subsection shall be considered satisfied if units are transferred to the Orange Community Housing and Land Trust at or below a price that is consistent with the provisions of subsection (c) above.

(g) Notwithstanding the other provisions of this section, if a dwelling unit is transferred to the Orange Community Housing and Land Trust or other non-profit housing provider in order to qualify such unit as “affordable” under the provisions of this section, and the financial institution that provides a loan to the buyer requires that such loan be secured by a deed of trust or other instrument that allows the unit to be sold upon default free and clear of the affordability restrictions set forth in this section, then the Land Trust or other non-profit housing provider may agree to such financing terms. Should foreclosure under such a deed of trust occur, this shall not render nonconforming or otherwise have an adverse effect upon either the affordable unit or the development that created the affordable unit.

(h) For purposes of this section, an affordable housing lot shall mean a lot that (i) is designed and approved for the construction of a single family dwelling, and (ii) upon creation of such lot by the recording of a final plat, is donated (without additional consideration) to a non-profit agency that is in the business of constructing on such lots affordable housing units that meet the affordability criteria set forth in subsections (c) through (f) above.

(i) The maximum residential density permissible within a development whose maximum density would otherwise be determined in accordance with the applicable provisions of this Article XII shall be increased by two dwelling units for every one affordable housing unit constructed within the development, up to a maximum of 150% of the density otherwise allowable. Similarly, the maximum number of single family detached residential building lots that could otherwise be created within a development tract under the applicable provisions of this Article XII may be increased by two such lots for every one affordable housing lots created within such development, up to a maximum of 150% of the maximum density otherwise allowable. To illustrate, if the maximum density of a tract would be 100 dwelling units (or single family lots), a developer who chooses to construct 10 affordable housing units (or create 10 affordable housing lots) as part of the development of that tract would be allowed to construct 10 additional dwelling units (or create 10

additional lots) that did not satisfy the “affordability” criteria set forth in subsections (c) or (f), for a total density of 120 dwelling units (or lots). In this illustration, the maximum possible density that could be achieved would be 150 dwelling units if the developer constructed at least 25 affordable housing units (or created 25 affordable housing lots).

(j) For purposes of determining the maximum density permissible within a development under subsection (i) of this section, the Board of Aldermen may allow the payment of an affordable housing payment in lieu fee (determined in accordance with the provisions of subsection 15-54.1(b)(4)) to be regarded as the equivalent of providing an affordable housing unit. The developer may request such authorization at any time following the submission of a development application. In exercising its discretion as to whether such a request should be granted, the Board shall consider the need for the particular type of units the payments in lieu would replace, the comparative need for cash resources to assist in the provision or maintenance of affordable housing, and such other factors as the Board deems relevant in determining whether and to what extent payments in lieu would better serve the Board’s goal of providing and maintaining affordable housing.

(k) Within any development that provides affordable housing units or affordable housing lots, the minimum area that must be set aside as open space to satisfy the requirements of Section 15-198 may be reduced by an amount equal to twice the land area consumed by all such affordable housing units or lots, except in no case may the required percentage of open space be less than 20 % (10 % in the ORMU and R-2 districts).

(l) Affordable housing units or lots constructed or created in accordance with this section shall not be unduly isolated or segregated from other dwellings or lots that do not satisfy the “affordability” criteria set forth in this section.

(m) In approving a special or conditional use permit for a development that proposes to utilize the density bonus provisions of this section, the permit issuing authority shall ensure, by approval of a condition, phasing schedule, or otherwise, that affordable housing units or lots, or payments in lieu thereof, are actually provided in accordance with the provisions of this section. Without limiting the generality of the foregoing, the permit issuing authority may impose a condition specifying that certificates of occupancy may not be issued for the market priced units until the corresponding affordable housing units are constructed and offered for sale or rent for an amount that is consistent with the definition set forth in this section, or payments in lieu thereof have been made to the town.

(n) If, by using the affordable housing density bonus provided for in this section, the number of dwelling units or lots within a development increases to the point where the type of permit required for the project based on the number of units or lots would otherwise change from a zoning to a special use permit or from a special use to a conditional use permit in accordance with the provisions of Section 15-147, the developer may nevertheless seek approval for the project under the permit process that would be applicable if no density bonus was sought under this section.

(o) As provided in subsection 15-92.1(d), developments that use the affordable housing density bonus provisions of this section may be entitled to relief from the setback requirements under some circumstances.

(p) Notwithstanding the other provisions of this section, with respect to a development that (i) was approved prior to the amendments to this section adopted on June 26, 2007, and (ii) constructed dwelling units that satisfied the affordability criteria by recording covenants and including restrictions in the deeds that conveyed title to the affordable units limiting the sale or resale price of such units in accordance with a formula set forth in this section, and (iii) took advantage of the density bonus provisions of this section and constructed additional market rate units as authorized by this section:

(1) The Board of Aldermen may amend the conditional use permit that authorized such development to provide that those provisions that restrict the price at which the affordable units may be sold shall no longer be binding, (thereby allowing the units to be sold at market value) subject to and in accordance with the following provisions:

a. At the closing on the sale of such units, all fees and charges typically paid by the seller of other market rate units (such as loans secured by property, re-al estate commissions, prorated property taxes, excise taxes, etc.) shall be paid by the seller of a unit previously designated as affordable. The balance of the proceeds of the sale to which the seller is entitled shall be referred to in this section as the “net proceeds of the sale.”

b. To the extent that the price paid by the buyer of the unit exceeds the price paid by the seller when the seller purchased the unit, the difference between the two figures

shall be referred to in this section as the “equity appreciation amount.” To the extent that the net proceeds of the sale are sufficient, the seller shall be allowed to keep the first five thousand dollars (\$5,000.00) of equity appreciation, plus an amount of the equity appreciation equal to the amount paid by the seller for additions to the home or significant upgrades to the home (routine maintenance, repairs, or replacements excluded).

c. If the net proceeds of the sale exceed the amount the seller is permitted to retain under the foregoing paragraph, the remainder of the net proceeds shall be split evenly between the Town and the seller.

(2) The Board of Aldermen may also amend the conditional use permit that authorized such development to provide that those provisions that restrict the price at which the affordable units may be sold shall expire automatically on the twentieth anniversary of the recording date of the deed conveying the affordable unit to the party owning that unit on the effective date of this subsection. Thereafter, no restrictions on the sales price of such unit or the disposition of sales proceeds shall apply to such unit.

(3) A development wherein affordable units are converted to market rate units under this subsection shall not be regarded as nonconforming with respect to density.

Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.

This the 27<sup>th</sup> day of January, 2015

**The motion carried by the following vote:**

**Aye:** Mayor Lavelle, Alderman Haven-O’Donnell, Alderman Chaney, Alderman Seils, Alderman Gist, Alderman Slade and Alderman Johnson

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**A Public Hearing on the Temporary Street Closing Permit Application for the Not So Normal 5K, 10K, and Half Marathon races.**

The purpose of this item was to receive public input for a Street Closing Permit Application submitted by Hairy Pony Racing Association for the temporary closing and usage of streets from 7:30AM to 12:30PM on Sunday, May 17th 2015 to accommodate the Not So Normal 5k, 10K, and Half Marathon.

Jay Radford, the race organizer, spoke to the Board about the races and how they contribute to local non-profits. He thanked staff and the Board for their support of the event.

**A motion was made by Alderman Seils, seconded by Alderman Chaney, that this resolution be approved.**



**A RESOLUTION AUTHORIZING THE TEMPORARY CLOSING AND USAGE OF THE FOLLOWING STREETS TO ACCOMMODATE THE NOT SO NORMAL 5K, 10K, and Half Marathon**

Section 1. On the day of the event, public streets shall be temporarily used Sunday, May 17<sup>th</sup>, 2015 from 7:30 AM to 12:30 PM for Not So Normal 5K, 10K, and half marathon races. This event is to be held in accordance with the permit issued by the Board of Aldermen pursuant to Article III of Chapter 7 of the Town Code. Refer to attached maps for exact locations of streets being used for the event.

Section 2. The Town shall supply the appropriate traffic control devices to give notice of the temporary traffic controls.

Section 3. No person may operate any vehicle contrary to the traffic control devices installed in accordance with Section 2 of this resolution.

Section 4. Applicant shall distribute flyers of notification, to persons occupying property abutting the streets where the event is to take place, of the contents of any resolution passed.

Section 5. Applicant will be responsible for all costs incurred by Police and Public Works to facilitate this event. Applicant will be sent an itemized bill for the final costs incurred by Police and Public Works.

Section 6. The scope of this event will require staffing that exceeds what the Public Works and Police Departments can typically provide, and subsequently the coordinator will be hiring additional professional staff to help manage the event. Town staff will help coordinate the traffic control. The applicant must provide additional labor of approximately 10 personnel qualified in traffic control, plus 25 volunteers.

Section 7. The Event Coordinator will be responsible for notifying Central Communications when the street is closed and when it is reopened to vehicular traffic.

Section 8. This resolution is contingent on the applicant providing proper liability insurance to the Town at least 30 days prior the event.

Section 9. This resolution shall become effective upon adoption.

This the 27<sup>th</sup> day of January, 2015

**The motion carried by the following vote:**

**Aye:** Mayor Lavelle, Alderman Haven-O'Donnell, Alderman Chaney, Alderman Seils, Alderman Gist, Alderman Slade and Alderman Johnson

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**CONTINUED DISCUSSION ON JOINT PLANNING PUBLIC HEARING ITEM - AMENDMENTS TO ALLOW FOR THE POSSIBILITY OF LOCATING AGRICULTURAL SUPPORT ENTERPRISES IN THE RURAL BUFFER**

The purpose of this item was to continue the proposed joint planning area amendments in follow-up to the Assembly of Governments meeting held on November 19<sup>th</sup>. Possible modifications to the structure for approving the amendments were identified and discussed. These amendments are necessary in order for Orange County to approve proposed text amendments to its Unified Development Ordinance that will allow the new uses to occur within the Rural Buffer.

Trish McGuire, the Town's Planning Director, made the staff presentation.

Alderman Slade discussed his recommendations for amendments to the language.

Perdita Holtz, Orange County Planning Department, stated that the County prefers that the Town adopt something that addresses their intent rather than amending the County's UDO language.

**A motion was made by Alderman Chaney, seconded by Alderman Seils, that this resolution be approved.**

RESOLUTION AMENDING THE JOINT PLANNING LAND USE PLAN AND JOINT PLANNING AGREEMENT TO ALLOW FOR THE POSSIBILITY OF LOCATING APPROPRIATE LOW INTENSITY AGRICULTURAL SUPPORT ENTERPRISES IN THE RURAL BUFFER LAND USE CLASSIFICATION

WHEREAS, Orange County, the Town of Chapel Hill, and the Town of Carrboro entered into a Joint Planning Agreement originally dated September 22, 1987 and amended from time to time, and

WHEREAS, pursuant to the Joint Planning Agreement, a Joint Planning Land Use Plan was adopted on October 13, 1986 by all parties to the Joint Planning Agreement, and has since been amended on several occasions, and

WHEREAS, Orange County initiated amendments to the Orange County Comprehensive Plan and Unified Development Ordinance in order to adopt a regulatory program referred to as "Agricultural Support Enterprises Within the Rural Buffer Land Use Classification," a program the County has been working on since 2001, and

WHEREAS, amendments to the Joint Planning Land Use Plan and Agreement are necessary prior to Orange County adopting the aforementioned Comprehensive Plan and Unified Development Ordinance amendments, and

WHEREAS, a joint public hearing regarding the proposed Joint Planning Land Use Plan and Agreement amendments was held on March 27, 2014, in accordance with the requirements of the Joint Planning Agreement.

NOW THEREFORE, the Carrboro Board of Aldermen hereby resolves that the Joint Planning Land Use Plan and Agreement be amended as shown on the attached pages.

BE IT FURTHER RESOLVED that the Carrboro Board of Aldermen recommends approval of all but four (i.e. Agricultural Processing Facility, Microbrewery w/Major Events, Winery w/Major Events, and Assembly Facility Greater than 300 Occupants) of the proposed agricultural support uses contained in the draft ordinance modifying the Orange County Unified Development Ordinance that may only be enacted after the amendments to the Joint Planning Land Use Plan and Joint Planning Agreement have been approved. The Carrboro Board of Aldermen's approval is predicated on the removal of these uses.

BE IT FURTHER RESOLVED that the Carrboro Board of Aldermen recommends that the Agricultural Preservation Board, the County's appointed agricultural advisory board be given the opportunity to comment on rezoning and land use permits related to ASE in the Rural Buffer. BE IT FURTHER RESOLVED that the Carrboro Board of Aldermen recommends that reuse of existing farm

buildings, especially those 50 years or older, into new agricultural support enterprises, be encouraged by including in the draft ordinance provisions a mechanism for reducing or waiving the 100-foot property line setback requirements that would otherwise apply to such new enterprises.

BE IT FURTHER RESOLVED that the Carrboro Board of Aldermen requests that an update on Agricultural Support Enterprises be provided annually at a joint public meeting of the parties to the Joint Planning Agreement.

BE IT FURTHER RESOLVED that the amendments to the Joint Planning Land use Plan and the Joint Planning Agreement described above and indicated on the attached pages shall become effective upon adoption by the governing bodies of Orange County, Chapel Hill, and Carrboro.

BE IT FURTHER RESOLVED that Vet Clinics and Hospital Uses are preferred for only large animal care.

This the 27<sup>th</sup> day of January, 2015

**The motion carried by the following vote:**

**Aye:** Mayor Lavelle, Alderman Haven-O'Donnell, Alderman Chaney, Alderman Seils, Alderman Gist, and Alderman Johnson

**Nay:** Alderman Slade

**PAGE 60-a – JPA LAND USE PLAN**

The Rural Buffer is defined as being a low-density area consisting of single-family homes situated on large lots having a minimum size of two (2) acres. The Rural Buffer is further defined as land which, although adjacent to an Urban or Transition Area, is rural in character and which will remain rural and not require urban services (public utilities and other Town services). The Rural Buffer is expected to contain low density residential uses, agricultural uses exempt from zoning regulations, and low-intensity agricultural support uses<sup>1</sup> and consists of the following Joint Planning Area Land Use Plan categories: Rural Residential and Agricultural; Public-Private Open Space; Resource Conservation; New Hope Creek Corridor Open Space; Extractive Use; and the overlay category designated University Lake Watershed Area.

**Rural Residential and Agricultural Areas** are low-density areas consisting of single-family homes situated on large lots with a minimum lot size of two acres, except when part of a cluster subdivision and then adhering to a density limit of 1 unit for every 2 acres of property. Cluster subdivisions, reducing parcels to at least 1 acre in area, are allowed so long as density limits for the entire subdivision are maintained. In that respect, Rural Residential Areas are identical to the definition of the Rural Buffer. The area includes property supporting farming operations, including forestry activities, established in accordance with the provisions of the North Carolina General Statutes.

**Public-Private Open Space Areas** include major land areas owned or controlled by public and private interests in the Rural Buffer. Such holdings as Duke Forest, Camp New Hope, U.S. Government lands associated with Jordan Lake, the 100-foot buffer along I-40, and Orange Water and Sewer Authority lands adjacent to University Lake and the quarry site on N.C. Highway 54 provide open space through research, educational, forest management, and recreational functions.

**Resource Conservation Areas** in the Rural Buffer are identical to those in the Transition Areas; i.e., floodplains, wetlands along drainage tributaries, and steep slope areas (15% or greater). The areas form the basis for a parks and open space system (see Strategy Map) which provided the framework within which other land uses are situated.

**New Hope Creek Corridor Open Space Areas** include some of the Resource Protection Areas and a portion of the Public/Private Open Space Areas which were designated as significant and worthy of protection according to the New Hope Corridor Open Space Master Plan completed in April of 1991. (See Master Plan Map following Strategy Maps). The areas are part of a system of open space in Durham and Orange Counties along New Hope Creek and its tributaries between Eno River State Park and U.S. Army Corps of Engineers land north and south of Jordan Lake. This category is made up of critical environmental areas such as stream beds, floodplains, steep slopes, and larger tracts of historic, educational, or recreational value.

**Extractive Use Areas** encompass mining and quarry operations. Only one such site exists in the Rural Buffer, the American Stone Company quarry on N.C. Highway 54 west of Carrboro.

**Retail Trade Areas** in the Rural Buffer include low intensity neighborhood centers which serve the immediate area and generate low traffic volumes. Only one such area is designated in the Rural Buffer – Blackwood station on N.C. Highway 86.

<sup>1</sup> The amendments necessary for Agricultural Support uses are shown in *italic and underlined text*.

Text above the section proposed for amendment has been removed.

**\*Rural Residential and Agricultural<sup>1</sup>**

**\*Amended  
4/2/90**

The Rural Residential category is a low-density area consisting of single-family homes situated on large lots with a minimum lot size of two acres, except when part of a cluster subdivision and then adhering to a density limit of 1 unit for every 2 acres of property.

<sup>1</sup> The amendments necessary for Agricultural Support uses are shown in *italic and underlined text*.

**PAGE 84 – JPA LAND USE PLAN**

Cluster subdivisions, reducing parcels to at least 1 acre in area, are allowed to as long as density limits for the entire subdivision are maintained. The Rural Residential designation is identical to the Rural Buffer category contained in the current Orange County Land Use Plan. The Rural Buffer category is described in the Plan as land adjacent to an Urban or Transition area which is rural in character and which should remain rural; contain very low- density residential uses, agricultural uses exempt from zoning regulations, and low-intensity agricultural support uses; and not require urban services (water and sewer) during the Plan period.

Agricultural areas existing within Transition Areas are expected to change from rural to urban uses as Chapel Hill and Carrboro continue to grow and as public water and sewer services are expanded. Agricultural areas are located principally in University Lake Watershed but are also prominent along the northern perimeter of the Planning Area boundary. As development occurs in these areas, it will be of very low-density in nature and will generally consist of farm dwelling and outbuildings in support of agricultural operations.

To the north of Chapel Hill and Carrboro in the New Hope Creek drainage basin, low-density residential development has taken place along Whitfield Road, Sunrise Road and Erwin Road. Residential developments similar to Sedgefield, Stoneridge, Oak Hills, Birchwood Lake Estates and Falls of the New Hope are expected to continue, relying on wells and septic tanks for water supply and sewer disposal.

To the west of Carrboro, Rural Residential development is also expected in University Lake Watershed. However, only low-density residential and agricultural uses are anticipated. Development will continue to rely on wells and septic tanks for water supply and sewage disposal.

The remaining area designated for Rural Residential and Agricultural development is the Southern Triangle area in the extreme southeastern portion of the County. The area drains to the southeast toward Jordan Lake and is beyond the ridge line of the Morgan Creek basin, an area which can be served by gravity sewer lines. The Southern Triangle is also characterized by environmental constraints such as steep slopes, flood plains and soils with poor stability, so low-density development is projected.

There are approximately 9,260 acres of land designated for Rural Residential and Agricultural purposes in the Land Use Plan. If developed at an average density of one dwelling unit per two acres with 15% of the area subtracted out for streets and roads, the holding capacity of the area in terms of dwellings is 3,935. If multiplied by the 1980 Census figure for population per household (2.6), the estimated population would be 10,231.

Text below the section proposed for amendment has been removed.

### Page 3 of Joint Planning Agreement

agreement. However, it will only be changed as the Joint Planning Area Land Use Map is amended if the Map amendments change the location of either the CJDA or the CHJDA.

F. Joint Courtesy Review Area. A portion of the northern Rural Buffer Area bounded on the east by I-40 and shown as such on Exhibit A.

G. Rural Buffer. That portion of the Joint Planning Area designated on the Joint Planning

The amendments necessary for Agricultural Support uses *are shown in italic and underlined text.*

Area Land Use Map as such and designated in the Joint Planning Area Land Use Plan as Rural Residential and Agricultural, Public/Private Open Space, Resource Conservation, Extractive/Disposal Use and the overlay district designated University Lake Watershed Area. This area is further defined as being a low-density area consisting of single-family homes situated on large lots having a minimum size of two (2) acres, unless the cluster subdivision option is used and density limits are maintained. The Rural Buffer is further defined as land which, although adjacent to an Urban or Transition area, is rural in character and which will remain rural, contain low-density residential uses, agricultural uses exempt from zoning regulations, and low-intensity agricultural support uses and not require urban services (public utilities and other town services). Agricultural support uses are those designated in the County's Unified Development ordinance as allowable in the RB (Rural Buffer) general use zoning district or those permitted through the ASE-CZ conditional zoning district.

H. Transition Area. That portion of the Joint Planning Area designated on the Joint Planning Area Land Use Map as such. This area is further defined as being in

- C. Orange County shall notify the respective towns and the towns shall notify Orange County as soon as practicable thereafter of any such claim, action or proceeding.

## Section 2.6 Text and Map Amendments

- A. Proposed amendments to the Joint Planning Area Land Use Plan and/or the Joint Planning Area Land Use Map may be initiated by (i) Orange County or (ii) the Towns or any other party by filing a request for such an amendment with Orange County. Any petition or request to amend the Joint Planning Area Land Use Plan received by the County shall be referred to the respective Towns. No such amendment may become effective until after it has been adopted by Orange County, Chapel Hill and Carrboro following a joint public hearing by all three governing bodies.
- B. Except as provided herein, proposed amendments to the text of the Orange County ~~Zoning and Subdivision Ordinances~~ *Unified Development Ordinance*<sup>3</sup> that are applicable within the Rural Buffer as well as proposed changes in zoning district classifications (i.e., zoning map changes) that affect property within the Rural Buffer shall be initiated and adopted in accordance with the procedures set forth in those County ordinances. All such proposals that affect the CHJDA shall be referred to Chapel Hill for review and recommendation, and all such proposed amendments that affect the CJDA shall be referred to Carrboro for review and recommendation. Orange County may not adopt such proposed amendments until the respective Towns have made their recommendations, or until the expiration of thirty (30) days following such referral, whichever occurs first.

*In the case of agricultural support uses, both the ASE-CZ conditional zoning districts and the agricultural support uses added to the RB (Rural Buffer) general use zoning district in*

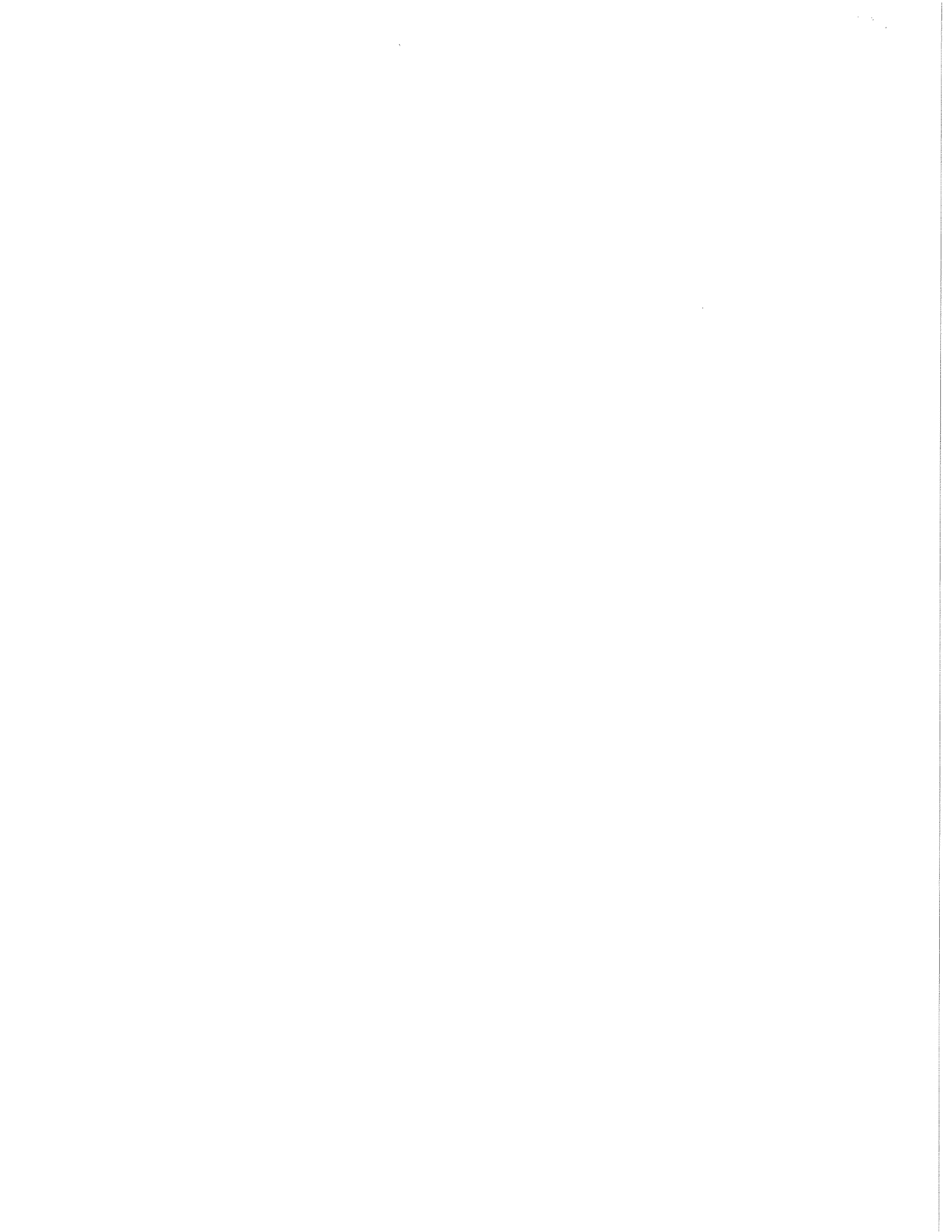
<sup>3</sup> Since the County now uses a Unified Development Ordinance, the language in this section should be changed to reflect the current name of the County's land use regulations.



2014, Orange County shall not materially change the text of its Unified Development Ordinance, as it pertains to the Rural Buffer, unless the amendment is heard at a joint public hearing and adopted by Orange County, Chapel Hill, and Carrboro. Examples of material changes, in this case, are adding or deleting uses to/from the Table of Permitted Uses and/or adding, deleting, or changing the use-specific standards in Article 5 of the Unified Development Ordinance.<sup>4</sup>

- C. Whenever Chapel Hill proposes to amend the text of its Land Development Ordinance, and whenever Carrboro proposes to amend the text of its Land Use Ordinance, the respective towns shall deliver a copy of the full text of the proposed amendment to Orange County not later than thirty (30) days before the date of the public hearing on any such amendment. However, with the written consent of the Orange County Manager or his designate, this thirty (30) day period may be reduced to not less than ten (10) days. Unless Orange County files with the respective towns a written objection on or before the date of the public hearing on the proposed ordinance amendment, then adoption of the amendment by the respective town shall automatically effect a corresponding amendment to the applicable ordinance adopted by reference by Orange County as provided in Section 2.1C. Any such objection shall be based on a determination by Orange County that the proposed amendment is inconsistent with the adopted Joint Planning Area Land Use Plan. If a town adopts an amendment despite Orange County's objection, then it shall refer such amendment to Orange County with a request that the County make corresponding changes as expeditiously as reasonably possible so that the town may continue to enforce within its

<sup>4</sup> This text is proposed to be added to address concerns that Orange County could significantly change its Unified Development Ordinance after the Towns of Carrboro and Chapel Hill approve amendments to the Joint Planning documents and those changes would be subject only to a staff-level review by Town staff.



MOTION WAS MADE BY ALDERMAN SLADE SECONDED BY ALDERMAN HAVEN-O'DONNELL TO HAVE COUNTY STAFF 1) ADD LANGUAGE TO THE STANDARDS SECTION FOR "WINERY WITH MINOR EVENTS" AND "MICROBREWERY WITH MINOR EVENTS" SIMILAR TO LANGUAGE WHICH ALREADY EXISTS FOR "MICROBREWERY PRODUCTION ONLY" WHICH ENSURES THEY ARE LIMITED TO BEING LOCATED ONLY ON BONA FIDE FARMS AND 2) FOR COUNTY STAFF TO ADD LANGUAGE TO THE STANDARDS SECTION FOR "COLD STORAGE FACILITY" AND "FEED MILL" SIMILAR TO LANGUAGE THAT ALREADY EXISTS FOR "AGRICULTURAL PROCESSING FACILITY, COMMUNITY" WHICH CONDITIONS, WHEN IN THE RURAL BUFFER, THAT THE USE IS FOR LOCAL COOPERATIVE FARM PARTNERS ONLY. THE MOTION FAILED BY THE FOLLOWING VOTE: AYE: HAVEN-O'DONNELL AND SLADE, NAY: SEILS, CHANEY, JOHNSON, LAVELLE, GIST

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**PRESENTATION FROM THE NC METRO MAYORS EXECUTIVE DIRECTOR AND BOARD DISCUSSION OF LEGISLATIVE ISSUES FOR THE 2015 SESSION OF THE NORTH CAROLINA GENERAL ASSEMBLY**

The purpose of this item was to hear a presentation from Julie White, the Executive Director of the NC Metro Mayors Coalition and to request that the Board of Aldermen discuss legislative issues to present to our local delegation at the breakfast. The delegation may be able to pursue some of the issues presented during the upcoming session of the NC General Assembly.

Julie White, Executive Director of the NC Metro Mayors Coalition, presented the legislative goals of the Coalition to the Board.

Alderman Slade asked for a response from Rep. Price regarding the Trans-Pacific Partnership resolution passed by the Board. He also asked for the attorney to check on the housing code proposed legislation from last year.

Alderman Chaney asked for affordable housing financing strategies to be discussed along with the protection of roads from damage due to truck routes related to fracking. She also requested that the Town support historic tax credits and low-income tax credits. Alderman Chaney asked that the Board ask for the delegation's perception on the University System and current changes.

Alderman Gist asked that the Board discuss HB 150 with the delegates.

Mayor Lavelle asked that the Board discuss the proposed bill for religious freedoms and its anti-GLBT platform. She also asked that the delegation take a look at the way vacancies on the Court of Appeals are filled.

Alderman Seils asked that municipal rental inspection and registration programs be discussed along with strengthening of gun control in parks and schools. He asked that the Charter amendment to add sexual orientation, gender identity and gender expression to the list of bases upon which the Board may prohibit housing discrimination be pursued again during this session.

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**DISCUSSION ON USE OF TOWN OWNED PROPERTY LOCATED 110 EAST MAIN**

**STREET - CONDO LOCATED ABOVE ACME RESTAURANT**

The purpose of this item was for the Board to discuss next steps for town owned property located at 110 East Main Street - condo located over ACME Restaurant.

Annette Stone, the Town's Economic Development Director, made the staff presentation.

**A motion was made by Alderman Seils, seconded by Alderman Haven-O'Donnell, that this resolution be approved.**

RESOLUTION ON THE USE OF THE PROPERTY LOCATED AT SECOND STORY CONDO  
LOCATED 110 EAST MAIN STREET

WHEREAS, the Town of Carrboro owns a second story condo located 110 East Main Street

WHEREAS, the Town wishes to make the best use of the property;

NOW THEREFORE BE IT RESOLVED, The Board of Aldermen direct staff to list the property with a real estate agent for sell.

This the 27<sup>th</sup> day of January, 2015

**The motion carried by the following vote:**

**Aye:** Mayor Lavelle, Alderman Haven-O'Donnell, Alderman Chaney, Alderman Seils, Alderman Gist, Alderman Slade and Alderman Johnson

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**DISCUSSION OF BOARD OF ALDERMEN RETREAT SUBCOMMITTEE PROPOSED 2015  
RETREAT AGENDA**

The Board of Aldermen discussed and decided upon the details of the 2015 Retreat Agenda.

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**CLOSED SESSION**

MOTION WAS MADE BY ALDERMAN CHANEY, SECONDED BY ALDERMAN HAVEN-O'DONNELL TO ENTER INTO CLOSED SESSION TO DISCUSS A PERSONNEL MATTER.  
VOTE: AFFIRMATIVE ALL

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**OPEN SESSION**

MOTION WAS MADE BY ALDERMAN HAVEN-O'DONNELL, SECONDED BY ALDERMAN GIST TO RETURN TO OPEN SESSION. VOTE: AFFIRMATIVE ALL

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**ADJOURNMENT**

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN HAVEN-

O'DONNELL TO ADJOURN THE MEETING. VOTE: AFFIRMATIVE ALL